

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: May 11, 2005

CALLED TO ORDER: 5:09 p.m.

ADJOURNED: 6:47 p.m.

ATTENDANCE

Attending Members

Mary Moriarty Adams, Chairwoman
Vernon Brown
Greg Bowes
Sherron Franklin
Lynn McWhirter
William Oliver
Lincoln Plowman
Scott Schneider

Absent Members

AGENDA

PROPOSAL NO. 183, 2005 - approves an increase of \$288,530 in the 2005 Budget of Marion Superior Court (State and Federal Grants Fund) to pay for salaries for Drug Treatment Court, funded by a grant from Indiana Criminal Justice Institute

“Do Pass as Amended”

Vote: 8-0

PROPOSAL NO. 185, 2005 - approves an increase of \$496,380 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to provide funds for Marion Superior Court staff, Public Defender staff, and Prosecutor salaries, funded by a Young Offenders Grant from the Indiana Criminal Justice Institute

“Do Pass as Amended”

Vote: 8-0

PROPOSAL NO. 213, 2005 - approves an increase of \$302,216 in the 2005 budget of the Metropolitan Emergency Communications Agency (Emergency Telephone System Fund) to purchase 20 additional MapStar Licenses

“Do Pass”

Vote: 8-0

PROPOSAL NO. 214, 2005 - approves an increase of \$10,000 in the 2005 Budget of the Marion County Sheriff's Department (State and Federal Grants Fund) to reimburse overtime for five (5) officers that work the Organized Crime Drug Task Force (OCDETF), funded by a grant from the Federal Bureau of Investigations Organized Crime Drug Enforcement Task Force
"Do Pass"

Vote: 8-0

PROPOSAL NO. 173, 2005 - amends the Revised Code provisions regarding the Marion County Criminal Justice Planning Council and the procedures for expenditures from the Drug Free Community Fund
"Do Pass as Amended"

Vote: 5-3

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, May 11, 2005. Chairwoman Mary Moriarty Adams called the meeting to order at 5:09 p.m. with the following members present: Greg Bowes, Vernon Brown, Sherron Franklin, Lynn McWhirter, William Oliver, Lincoln Plowman, and Scott Schneider. Also present were Councillor Dane Mahern and Bart Brown, the Council's Chief Financial Officer.

PROPOSAL NO. 183, 2005 - approves an increase of \$288,530 in the 2005 Budget of Marion Superior Court (State and Federal Grants Fund) to pay for salaries for Drug Treatment Court, funded by a grant from Indiana Criminal Justice Institute

Sue Patterson, Director of Finance, stated that the original request was for all of the \$288,530 to be in Personal Services. She said the amendment would be \$ 261,902 in Personal Services and \$26,628 in Other Services and Charges.

Councillor McWhirter moved, seconded by Councillor Schneider, to amend Proposal No. 183, 2005 to show \$261,902 in Personal Services and \$26,628 in Other Services and Charges. The motion carried by a vote of 8-0.

Ms. Patterson stated that this program has been recognized locally by Drug Free Marion County and has been with the courts for two and a half years, funded by the Indiana Criminal Justice Institute (ICJI). She said that when ICJI runs out of the Federal funds there will be issues with these programs.

Kim Davenport, Director of the Marion County Drug Treatment Court (DTC), stated that the DTC is the umbrella program for the Drug Treatment Diversion Program (DTDP) and the Marion County Re-entry Court. DTDP has been in existence since 1998 and is a felony diversion program for nonviolent offenders that do not have a history in dealing drugs. If these offenders are found eligible for this program, they will go on to complete a program that is at least 12 to 18 months long. If they successfully complete the program then their felony will be dismissed.

{Clerks note: Exhibit A is attached with the original set of minutes. Exhibit A is an information packet explaining the Drug Treatment Court and the Re-entry Court.}

Councillor Brown asked how many graduates have successfully completed this program. Ms. Davenport stated that in DTDP there have been 233 graduates. Councillor Schneider asked why the local match is coming out of the County General Fund. Dan Jones, Deputy Auditor, stated that this is an in kind match due to there being a person on the staff. Mr. Jones said that these funds are already in the budget.

Councillor Bowes asked if there was a study on how soon the offenders that participate in this program re-offend. Ms. Davenport stated that she would contact the program evaluator and get that information.

Councillor McWhirter moved, seconded by Councillor Schneider, to send Proposal No. 183, 2005 to the full Council with a “Do Pass as Amended” recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 185, 2005 - approves an increase of \$496,380 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to provide funds for Marion Superior Court staff, Public Defender staff, and Prosecutor salaries, funded by a Young Offenders Grant from the Indiana Criminal Justice Institute

Ms. Patterson stated that this program is for offenders over the age of 18 and under the age of 25. She stated that this program has been around for at least ten years and will fund the Court staff, a prosecutor and a public defender. This program would reach out to groups of people that are not normally served within the court specifically. Ms. Patterson said that this proposal would need to have a technical amendment because the addition is incorrect. The total match should be \$165,460 and not \$165,400. Ms. Davenport stated that this grant is focused on young offenders and expedited case processing.

{Clerks note: The amended version of the proposal is attached with the original set of minutes as Exhibit B}

Councillor McWhirter moved, seconded by Councillor Schneider, to amend Proposal No. 185, 2005 by correcting the addition on the total cash match to read \$165,460. This motion was carried by a vote of 8-0.

Councillor McWhirter asked if this proposal included any new positions. Ms. Patterson answered in the negative.

Councillor Brown asked what the contractual services would pay for. Ms. Patterson stated that the contractual services would go to the attorneys that are used by the Public Defender.

Councillor Bowes stated that the biggest group of criminal offenders, by age, is between 18 to 28. He stated that older people are the least likely to commit criminal offenses.

Councillor Oliver moved, seconded by Councillor McWhirter, to send Proposal No. 185, 2005 to the full Council with a “Do Pass as Amended” recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 213, 2005 - approves an increase of \$302,216 in the 2005 budget of the Metropolitan Emergency Communications Agency (Emergency Telephone System Fund) to purchase 20 additional MapStar Licenses

Linn Piper, MECA Director, stated that this is a completion of Phase Two that would allow MECA to have the ability to use a cell phone signal to mark a person’s physical position within 50 to 300 meters when they

are placing a call using that cell phone. Mr. Piper stated this funding includes licenses and equipment to complete the wireless 911 system. He said that this money is coming for the Emergency Telephone System Fund, and this fund was created for this type of project. Mr. Piper said that this is a one-time appropriation.

Councillor Schneider asked what other things are funded out of the Emergency Telephone System Fund. Mr. Piper stated that this fund could be used for wireless communications equipment and the operation of personnel associated with designing and maintaining that equipment.

Councillor Plowman moved, seconded by Councillor Schneider, to send Proposal No. 213, 2005 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 214, 2005 - approves an increase of \$10,000 in the 2005 Budget of the Marion County Sheriff's Department (State and Federal Grants Fund) to reimburse overtime for five (5) officers that work the Organized Crime Drug Task Force (OCDETF), funded by a grant from the Federal Bureau of Investigations Organized Crime Drug Enforcement Task Force

Major Ronald Chappell, of the Marion County Sheriff's Department, stated that Proposal No. 214, 2005 is to reimburse overtime funds for five of the Sheriff deputies that work with the Federal Bureau of Investigation (FBI) to organize a Crime and Drug Enforcement Task Force. Major Chappell said that the grant will run through September 2005 and there is not a cash match for this grant.

Councillor Schneider moved, seconded by Councillor Plowman, to send Proposal No. 213, 2005 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 8-0.

PROPOSAL NO. 173, 2005 - amends the Revised Code provisions regarding the Marion County Criminal Justice Planning Council and the procedures for expenditures from the Drug Free Community Fund

Diana Burleson, Director of the Marion County Justice Agency (MCJA), stated that in Section 283-225 on page four of this proposal number 19 should not be crossed out. This amendment would then adjust the numbering for the remaining part of this section.

Councillor Schneider moved, seconded by Councillor Plowman, to amend Proposal No. 173, 2005 to add in number 19 in section 283-225, which is attached as Exhibit C. The motion carried by a vote of 8-0.

Councillor Bowes explained other proposed amendments as per the attached Exhibit C.

Councillor McWhirter stated that she would like to have this proposal postponed due to the major changes and also because the Governor has not yet signed the IndyWorks project.

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Councillor McWhirter moved, seconded by Councillor Schneider, to postpone Proposal No. 173, for further review. The motion failed by a vote of 3-5 with Councillor McWhirter, Councillor Plowman, and Councillor Schneider casting the affirmative votes.

Councillor Bowes moved, seconded by Councillor Brown, to amend Proposal No. 173, 2005 as per the attached Exhibit C. The motion carried by a vote of 5-3 with Councillor McWhirter, Councillor Plowman, and Councillor Schneider casting the negative votes.

Councillor Plowman asked if the entire Criminal Justice Planning Council (CJPC) has had an opportunity to view these proposed changes. Chairwoman Moriarty Adams stated that most of the council members are aware of the changes. She said that Judge Cale Bradford wanted to let the committee know that he is opposed to the Public Defender and the Director of Public Safety being added as voting members because they are not elected officials.

Robert Clifford, City Controller, stated there would be a change in responsibility between the Auditor's Office and the Controller's Office, and there have already been preparations made.

Councillor Bowes asked if the change in the budget preparation responsibility of Senate Bill 307 would take place no matter if this committee voted on Proposal No. 173, 2005. Mr. Clifford answered in the affirmative and added that CJPC would set the budgetary authority policy at their level. The Controller will then be able to use that information to prepare the budget ordinances. Mr. Clifford stated that this would be a more concise system. Councillor Bowes asked, if Senate Bill 307 passes, what the Auditor would be responsible for. Mr. Clifford stated that the Auditor would be responsible for payment of pension obligations for pre-77 pensions, accounts payable, and some accounts receivable but nothing that pertains to Public Safety functions. Councillor Bowes asked if the budgetary process would be different from the way that it has been done in the past. Mr. Clifford answered in the affirmative and added that the only change would be that the budget request would come to the Controller instead of the Auditor.

Councillor Schneider stated that it is not fair to vote on this proposal if all of the people on the committee are not aware of the changes.

Councillor Plowman asked when Senate Bill 307 goes into effect, if signed. Mr. Clifford stated that it would take effect July 1, 2005. Councillor Plowman said that is time enough for a postponement.

Councillor Schneider moved, seconded by Councillor McWhirter, to postpone Proposal No. 173, 2005 until the next committee meeting. The motion failed by a vote of 3-5 with Councillor McWhirter, Councillor Plowman, and Councillor Schneider casting the affirmative votes.

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Councillor Brown asked what the dollar amount is of the combined City-County budget. Mr. Clifford said that the City-County combined budget is close to \$850,000,000. He added that Public Safety is the biggest part of the dollar amount. Councillor Brown stated that the Public Defender and the Director of Public Safety are both currently on the board of the CJPC; they are just non-voting members. This proposal would allow them to become voting members.

Councillor Brown added that the Public Defender and the Director of Public Safety are critical players in the criminal justice system.

Councillor McWhirter stated that she believes the committee is moving too fast and would urge that this proposal be postponed. Councillor Bowes stated there is a need to get moving on this quickly due to the complexity of the 2005 budget. He added that the CJPC will communicate between the different agencies and the Controller's Office. Councillor McWhirter stated that she thinks the Auditor deserves to know about the changes.

Councillor Franklin stated that she is in support of adding Director Turner to CJPC as a voting member due to the possible police and sheriff consolidation.

Dan Jones, Deputy Auditor, stated that the Auditor's Office was not aware of the changes in this proposal and this will take a lot of adjustment for everyone, especially when it comes to the budgeting process.

Councillor Schneider stated that the merger of IPD and the Sheriff's Department has been an option for the City-County Council for many years, and if the Mayor wanted it done it would have been done five years ago. Councillor Schneider asked how many of the people on the CJPC are aware of this change. Councillor Bowes stated that he did not speak with anyone but the Mayor's Office, and the Mayor's Office was speaking for the City Controller. Councillor Bowes stated that the Public Defender welcomes the idea of him becoming a voting member on that committee. Chairwoman Moriarty Adams stated that most of the committee members on the CJPC are aware of the changes.

Councillor Brown asked who is responsible for setting the membership of CJPC. Chairwoman Moriarty Adams said that the Council is responsible for setting the membership. Councillor Brown asked Chairwoman Moriarty Adams her opinion, being a part of CJPC, if she feels it is counter productive to the mission of the Board, to add the Public Defender and the Director of Public Safety as voting members. Chairwoman Moriarty Adams answered in the negative and stated that they should have been added as voting members initially when the Board was created.

Councillor Mahern stated that he is in support of the proposal and added that he thinks that the Director of Public Safety should be a voting member of CJPC due to the consolidation of the police and sheriff's departments.

Councillor McWhirter stated that she does not think that CJPC will have anything to do with the consolidation of the police and sheriff's departments because President Talley has created a committee for the consolidation process.

Councillor Bowes moved, seconded by Councillor Brown, to send Proposal No. 173, 2005 to the full Council with a "Do Pass as Amended" recommendation. The motion carried by a vote of 5-3 with Councillor McWhirter, Councillor Plowman, and Councillor Schneider casting the negative votes.

CONCLUSION

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 6:47 p.m.

Respectfully submitted,

Mary Moriarty Adams, Chairwoman
Public Safety and Criminal Justice Committee

MMA/rjp